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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,101

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Max Ward Muterspaugh

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EXAMINER

AKINYEMI, AJIBOLA A

ART UNIT

PAPER NUMBER

2618

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,101	Applicant(s) MUTERSPAUGH ET AL.	
	Examiner AJIBOLA AKINYEMI	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Zahm (Patent No.: 7136114B2).

With respect to claim 1:

Zahm disclosed signal processing apparatus comprising tuning means (fig.2, item 2) for tuning an RF signal to generate an IF signal; first filtering means (fig.2, item 3) for filtering said IF signal to generate a filtered IF signal; AGC detecting means (fig.1, item 9) for enabling generation of an AGC signal for said tuning means (fig.2, item 2) responsive to said filtered IF signal; and wherein said AGC detecting means (fig.1,item 9) includes second filtering means (fig.2, item 6) for attenuating a predetermined carrier.frequency. (col.2, lines 28-32 and col.2, lines 55-65)

With respect to claim 7:

Zahm disclosed a method for providing AGC, comprising steps of using a tuner (fig.2, item 2) to tune an RF signal to generate an IF signal; filtering said IF signal to generate a filtered IF signal (fig.1, item 4); generating an AGC signal responsive to said filtered IF

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signal, wherein said generating step includes attenuating a predetermined carrier frequency; and providing said AGC signal to said tuner (fig.1, item 2).

With respect to claim 13:

Zahm disclosed a television signal receiver comprising a tuner (fig.2, item 2) operative to tune an RF signal to generate an IF signal; a first filter (fig.2, item 3) operative to filter said IF signal to generate a filtered IF signal; an AGC detector (fig.1, item 9) operative to enable generation of an AGC signal for said tuner (fig.2, item 2) responsive to said filtered IF signal; and wherein said AGC detector (fig.1, item 9) includes a second filter (fig.2, item 6) operative to attenuate a predetermined carrier frequency.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 2-5, 8-11, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zahm (Patent No.: 7136114B2) and further in view of Rumreich (Patent No.: 5177613).

With respect to claims 2, 8 and 14:

Zahm disclosed signal processing apparatus comprising tuning means (fig.2, item 2) for tuning an RF signal to generate an IF signal; first filtering means (fig.2, item 3) for filtering said IF signal to generate a filtered IF signal; AGC detecting means (fig.1, item 9) for enabling generation of an AGC signal for said tuning means (fig.2, item 2) responsive to said filtered IF signal; and wherein said AGC detecting means (fig.1,item 9) includes second filtering means (fig.2, item 6) for attenuating a predetermined carrier frequency. Zahm did not disclose IF signal between 41-47MHz. Rumreich disclosed a frequency of 41- 47 MHz (col.1, lines 18-21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have IF signal between 41-47 MHz simply for a design purpose.

With respect to claim 3, 9 and 15:

Rumreich disclosed a signal processing apparatus wherein said first filtering means includes a SAW filter (fig.5, item 74).

With respect to claim 4, 10 and 16:

Rumreich disclosed a signal processing apparatus wherein said predetermined carrier frequency corresponds to an analog sound carrier frequency (col.4, lines 3-14).

With respect to claim 5, 11 and 17:

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Rumreich disclosed a signal processing apparatus wherein said predetermined carrier frequency corresponds to approximately 47.25 MHz (col.5, lines 25-28).

5. Claims 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zahm (Patent no.: 7136114B2) and further in view of Limberg (Patent No.: US 6400393B1).

With respect to claim 6, 12 and 18:

Zahm disclosed signal processing apparatus comprising tuning means (fig.2, item 2) for tuning an RF signal to generate an IF signal; first filtering means (fig.2, item 3) for filtering said IF signal to generate a filtered IF signal; AGC detecting means (fig.1, item 9) for enabling generation of an AGC signal for said tuning means (fig.2, item 2) responsive to said filtered IF signal; and wherein said AGC detecting means (fig.1, item 9) includes second filtering means (fig.2, item 6) for attenuating a predetermined carrier frequency. Zahm did not disclose a ceramic resonator to shunt the predetermined carrier frequency. Limberg disclosed a ceramic resonator (col.9, lines 58-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a ceramic resonator in order to bandlimit the circuit.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIBOLA AKINYEMI whose telephone number is

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(571)270-1846. The examiner can normally be reached on monday- friday (8.30-5pm)
Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, YUWEN PAN can be reached on (571) 272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA
/Yuwen Pan/
Primary Examiner, Art Unit 2618